

96TH CONGRESS
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H. R. 24

To improve budget management and expenditure control by revising certain provisions relating to the Comptroller General and the Inspectors General of the Departments of Energy and Health, Education, and Welfare, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. BROOKS introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To improve budget management and expenditure control by revising certain provisions relating to the Comptroller General and the Inspectors General of the Departments of Energy and Health, Education, and Welfare, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "General Accounting
- 4 Office Act of 1979".

1 **TITLE I—GENERAL ACCOUNTING OFFICE**
2 **PROVISIONS**

3 **UNVOUCHERED EXPENDITURES**

4 **SEC. 101.** Section 117 of the Accounting and Auditing
5 Act of 1950 (31 U.S.C. 67) is amended by adding at the end
6 thereof the following new subsection:

7 “(f)(1) Notwithstanding any provision of law heretofore
8 enacted permitting an expenditure to be accounted for solely
9 on the approval, authorization, or certificate of the President
10 of the United States or an official of a department or estab-
11 lishment, the Comptroller General shall be furnished such in-
12 formation as he may request and shall have access to such
13 books, documents, papers, records, and other information re-
14 lating to such expenditure as may be necessary to enable him
15 to determine whether the expenditure was, in fact, actually
16 made and whether such expenditure was authorized by law.
17 The provisions of this paragraph shall not be superseded
18 except by a provision of law enacted after the date of enact-
19 ment of this paragraph and specifically repealing or modify-
20 ing the provisions of this paragraph.

21 “(2) With respect to any expenditure accounted for
22 solely on the approval, authorization, or certificate of the
23 President of the United States or an official of a department
24 or establishment and notwithstanding any previously enacted
25 provision of law, no officer or employee of the General Ac-

1 counting Office may release the findings of its audit of such
2 expenditure or disclose any books, documents, papers, rec-
3 ords, or other information concerning such expenditure to
4 anyone not an officer or employee of the General Accounting
5 Office, except to the duly established committees of the Con-
6 gress having legislative or oversight responsibilities, under
7 the rules of the House of Representatives or of the Senate,
8 over the subject matter of the expenditure.

9 “(3)(A) Nothing in this subsection shall be construed as
10 affecting the authority contained in section 8(b) of the Central
11 Intelligence Agency Act of 1949, as amended.

12 “(B) The President may exempt from the provisions of
13 paragraph (1) of this subsection financial transactions which
14 relate to sensitive foreign intelligence or foreign counterintel-
15 ligence activities; such an exemption may be given for a class
16 or category of financial transactions.

17 “(C) Financial transactions taken pursuant to section
18 8(b) of the Central Intelligence Agency Act of 1949, as
19 amended, and financial transactions exempted from the provi-
20 sions of paragraph (1) shall be reviewable by the Permanent
21 Select Committee on Intelligence of the House of Repre-
22 sentatives and the Select Committee on Intelligence of the
23 Senate.”.

1 ENFORCEMENT OF ACCESS TO RECORDS

2 SEC. 102. Section 313 of the Budget and Accounting
3 Act, 1921 (31 U.S.C. 54), is amended by designating the
4 existing paragraph as subsection (a), by deleting the last sen-
5 tence thereof and by adding at the end the following new
6 subsections:

7 “(b) If any information, books, documents, papers, or
8 records requested under subsection (a) or any other provision
9 of law or agreement granting the Comptroller General a
10 right of access from any department or establishment have
11 not been made available to the General Accounting Office
12 within a period of twenty calendar days after the request has
13 been delivered to the office of the head of the department or
14 establishment involved, the Comptroller General, through
15 any attorney designated by him, is authorized to bring an
16 action in the United States District Court for the District of
17 Columbia against the head of the department or establish-
18 ment concerned to compel the furnishing of such material.
19 The Attorney General is authorized to represent the defend-
20 ant official in such actions.

21 “(c)(1) To assist in carrying out his functions, the
22 Comptroller General may sign and issue subpoenas requiring
23 the production of contractor and subcontractor records per-
24 taining to negotiated contracts and records of other non-Fed-
25 eral persons or organizations to which he has a right of

1 access by any law or agreement. Service of a subpoena issued
2 under this subsection may be made by anyone authorized by
3 the Comptroller General (A) by delivering a copy thereof to
4 the person named therein, or (B) by mailing a copy thereof by
5 certified or registered mail, return receipt requested, ad-
6 dressed to such person at his residence or principal place of
7 business. A verified return by the person so serving the sub-
8 pena setting forth the manner of service or, in the case of
9 service by certified or registered mail, the return post office
10 receipt signed by the person so served, shall be proof of serv-
11 ice.

12 “(2) In case of failure to obey a subpoena issued under
13 paragraph (1), the Comptroller General, through any attor-
14 ney designated by him, may invoke the aid of any district
15 court of the United States in requiring the production of the
16 records involved. Any district court of the United States
17 within whose jurisdiction the contractor, subcontractor, or
18 other non-Federal person or organization is found or resides
19 or in which the contractor, subcontractor, or other non-Fed-
20 eral person or organization transacts business, may, in case
21 of refusal to obey a subpoena issued under this section, issue
22 an order requiring compliance therewith; and any failure to
23 obey such order of the court shall be treated by the court as a
24 contempt thereof.”.

1 **AVAILABILITY OF DRAFT REPORTS**

2 **SEC. 103.** Section 312 of the Budget and Accounting
3 Act, 1921 (31 U.S.C. 53) is amended by adding at the end
4 thereof the following new subsection:

5 “(f)(1) No portion of any report prepared by the Comp-
6 troller General shall be made available to any agency for
7 comment thereon for a period in excess of thirty days unless
8 the Comptroller General determines, upon a showing by such
9 agency, that a longer period is necessary and is likely to
10 result in improvement in the accuracy or reliability of such
11 report.

12 “(2) Only those portions of such reports which contain,
13 in the opinion of the Comptroller General, factual determina-
14 tions and conclusions shall be made available to an agency
15 under paragraph (1) of this subsection. Failure of an agency
16 to return comments on such portions by the conclusion of the
17 comment period established under such paragraph shall not
18 result in the delayed delivery of such reports.”.

19 **APPOINTMENT OF THE COMPTROLLER GENERAL AND THE**
20 **DEPUTY COMPTROLLER GENERAL**

21 **SEC. 104.** (a) Section 302 of the Budget and Account-
22 ing Act, 1921 (31 U.S.C. 42), is amended to read as follows:

23 “**SEC. 302.** (a) There shall be in the General Account-
24 ing Office a Comptroller General of the United States and a
25 Deputy Comptroller General of the United States who shall,

1 from a list of persons submitted by the Commission described
2 in subsection (b), be appointed by the President by and with
3 the advice and consent of the Senate. The Deputy Comptrol-
4 ler General shall perform such duties as may be assigned to
5 him by the Comptroller General. During the absence or inca-
6 pacity of the Comptroller General, or during a vacancy in
7 that office, the Deputy Comptroller General shall act as
8 Comptroller General.

9 “(b) Whenever, after the date of enactment of this sub-
10 section, a vacancy occurs in the Office of Comptroller Gen-
11 eral, there is established a commission to recommend individ-
12 uals to the President for appointment to the Office of Comp-
13 troller General and whenever, after such date, a vacancy
14 occurs in the Office of Deputy Comptroller General, there is
15 established a commission to recommend individuals to the
16 President for appointment to the Office of Deputy Comptrol-
17 ler General. Such commission shall in either case consist
18 of—

19 “(1) the Speaker of the House of Representatives,

20 “(2) the President pro tempore of the Senate,

21 “(3) the majority and minority leaders of the
22 House of Representatives and the Senate,

23 “(4) the Chairman and ranking minority member
24 of the Committee on Government Operations of the

1 House of Representatives and of the Committee on
2 Governmental Affairs of the Senate, and

3 “(5) in the case of a vacancy in the office of
4 Deputy Comptroller General, the Comptroller General
5 of the United States.

6 Such Commission shall, after consultation with the President,
7 submit to the President for consideration the names of not
8 less than three persons for the office of Comptroller General:
9 *Provided*, That the President, within his discretion, may re-
10 quest that additional names be submitted.”.

11 (b) The first paragraph of section 303 of such Act (31
12 U.S.C. 43) is amended by striking out the first sentence and
13 inserting in lieu thereof the following: “Except as otherwise
14 provided in this section, the Comptroller General shall hold
15 office for fifteen years and the Deputy Comptroller General
16 shall hold office from the date of his appointment until the
17 date on which an individual is appointed to fill a vacancy in
18 the Office of Comptroller General. The Deputy Comptroller
19 General may continue to serve until his successor is ap-
20 pointed.”.

21 (c) The amendments made by this section shall not
22 apply to persons occupying the positions of Comptroller Gen-
23 eral and Deputy Comptroller General on the date of enact-
24 ment of this Act, but shall apply with respect to any vacancy

1 in such positions occurring on or after such date, and shall
2 apply to any person appointed to fill such a vacancy.

3 TITLE II—CONFORMING AMENDMENTS WITH RE-
4 SPECT TO THE INSPECTORS GENERAL OF
5 THE DEPARTMENTS OF ENERGY AND
6 HEALTH, EDUCATION, AND WELFARE

7 AMENDMENT TO PUBLIC LAW 94-505

8 SEC. 201. Section 203(b) of the Act of October 15,
9 1976 (42 U.S.C. 3523), is amended to read as follows:

10 “(b) In carrying out the responsibilities specified in sub-
11 section (a)(1), the Inspector General shall—

12 “(1) comply with standards established by the
13 Comptroller General of the United States for audits of
14 Federal establishments, organizations, programs, activ-
15 ities, and functions;

16 “(2) establish guidelines for determining when it
17 shall be appropriate to use non-Federal auditors; and

18 “(3) take appropriate steps to assure that any
19 work performed by non-Federal auditors complies with
20 the standards established by the Comptroller General
21 as described in paragraph (1).”.

22 AMENDMENT TO PUBLIC LAW 95-91

23 SEC. 202. Section 208 of the Department of Energy
24 Organization Act (42 U.S.C. 7138) is amended by inserting
25 at the end thereof the following new subsections:

1 “(h) In carrying out the responsibilities specified in sub-
2 section (b)(1), the Inspector General shall—

3 “(1) comply with standards established by the
4 Comptroller General of the United States for audits of
5 Federal establishments, organizations, programs, activ-
6 ities and functions;

7 “(2) establish guidelines for determining when it
8 shall be appropriate to use non-Federal auditors; and

9 “(3) take appropriate steps to assure that any
10 work performed by non-Federal auditors complies with
11 the standards established by the Comptroller General
12 as described in paragraph (1).

13 “(i) In carrying out the duties and responsibilities estab-
14 lished under this section, the Inspector General shall give
15 particular regard to the activities of the Comptroller General
16 with a view toward avoiding duplication and insuring effec-
17 tive coordination and cooperation.

18 “(j) In carrying out the duties and responsibilities estab-
19 lished under this section, the Inspector General shall report
20 expeditiously to the Attorney General whenever the Inspec-
21 tor General has reasonable grounds to believe there has been
22 a violation of Federal criminal law.”.

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